

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEUTSCHE BANK TRUST COMPANY
AMERICAS AS TRUSTEE,

No. C 14-2326 RS

Plaintiff,

ORDER

v.

SYLVESTER BRADFORD, et al.,

Defendants.

This is now at least the fifth time defendant Sylvester Bradford, aka John Robinson, has purported to remove this unlawful detainer action from Alameda County Superior Court. *See* Case Nos. 12-4971 RS, 12-1077 RS, 13-03020 RS, and No. C 13-3564 RS.¹ As explained in each prior order of remand, this court lacks jurisdiction over the unlawful detainer proceedings. Bradford, along with his co-defendant Darrick Sterling who joined in the ostensible removal, has now filed a purported dismissal of the action under Rule 41 of the Rules of Civil Procedure. To the extent that

¹ While more than one state court case number appears in the record, there is no apparent dispute that all the matters relate to the same basic attempt by the plaintiff to obtain possession of the subject real property. Additionally, it appears there may have been at least one earlier related removal attempt by Bradford. *See* Case No. 12-0744 CRB.

1 filing is intended to be an abandonment of the efforts to remove the unlawful detainer action, it is
2 accepted. As Bradford and Sterling are defendants, not plaintiffs, their “notice of dismissal” is
3 ineffective to terminate the underlying unlawful detainer proceeding, in the event it has not
4 otherwise been dismissed by act of the plaintiff or the state court.

5 Without holding that opening of the present case file represented an effective removal of the
6 unlawful detainer in the first instance, this order shall serve as a remand, in the event jurisdiction
7 ever vested here. The Clerk shall serve a copy of this order on the Alameda County Superior Court,
8 with reference to its case number RG 11-594233, and that court may proceed as it deems
9 appropriate. While Bradford has repeatedly been cautioned that further filings of purported notices
10 of removal will expose him to sanctions, in light of his apparent abandonment of this matter, no
11 penalties will be imposed at this time. Bradford is again warned, however, that he must not file any
12 further notices of removal involving this unlawful detainer proceeding.

13
14
15 IT IS SO ORDERED.

16 Dated: 7/11/14



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

THIS IS TO CERTIFY THAT A COPY OF THIS ORDER WAS MAILED TO:

Sylvester Bradford
6600 Brann Street
Oakland, CA 94605

Darrick Sterling
6600 Brann
Oakland, CA 94605

DATED: 7/11/14

/s/ Chambers Staff

Chambers of Judge Richard Seeborg